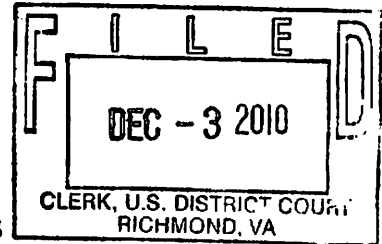


Payne (A)

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA**

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983



Action Number 3:10cv873
(To be supplied by the Clerk
U.S. District Court)

Please fill out this complaint form completely. The court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly of type.

I. PARTIES

A. Plaintiff:

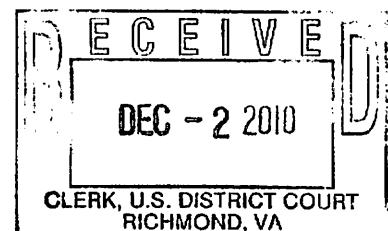
1. (a). **Deena Kaye Myers** (b).#325296 / 1128012
(Name) (Inmate number)
(c). Deerfield Correctional Center
(Address)
21360 Deerfield Drive
Capron, VA 23829

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the /clerk informed of such change, this action may be dismissed.

B. Defendant (s):

Plaintiff is advised that only persons acting under color of state law are proper defendants under section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under section 1983. In addition, liabilities under section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens and sheriffs are not liable under section 1983 just because they supervise persons who may have violated your rights. These persons are liable only if the were personally involved in the alleged deprivation.

1. **Mr. Keith Davis** - Warden
Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829
2. **Mr. Clyde Alderman** - Assistant Warden
Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829
3. **Major Jerry Streat** - Chief of Security
Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829



4. **Ms. B.M. Grant** - Treatment Program Supervisor (TPS)
Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829
5. **Lt. K. G. Walker** - Unit Manager - Assisted Living Unit
Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829
6. **Lt. Ridley** - Watch Commander
Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829
7. **Lt. Goodfellow** - Watch Commander
Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829
8. **Nurse Bonita Badgett** - Head Institutional Nurse
Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829
9. **Dr. Harvard Stephens** - Chief Physician
Virginia Department of Corrections
6900 Atmore Drive, Richmond, VA
10. **Mr. W. Robison** - Psychology Associate Sr.
Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829
11. **Mr. C. S. Halloran, QMHP** - Psychology Associate
Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829
12. **Ms. C. Smith** - Assisted Living Counselor
Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829
13. **Sgt. K. Chalmers** - Institutional Investigator
Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829
14. **Nurse R. Conner, RN** - Assisted Living Head Nurse
Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829

15. Officer Romines - Male correctional Officer involved in strip search and body cavity search of plaintiff and one of the "John Does" listed in the Statement of Case but exact date of his involvement presently unknown due to DOC official's refusal to provide documentation.

Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829

16. Officer Martin - Male correctional Officer involved in strip search and body cavity search of plaintiff and one of the "John Does" listed in the Statement of Case but exact date of his involvement presently unknown due to DOC official's refusal to provide documentation

Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829

17. Sgt. Jones - Male correctional Officer involved in strip search and body cavity search of plaintiff

Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829

18. Officer Seal - Male correctional Officer involved in strip search and body cavity search of plaintiff and one of the "John Does" listed in the Statement of Case but exact date of his involvement presently unknown due to DOC official's refusal to provide documentation

Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829

19. Officer Jones - Male correctional Officer involved in strip search and body cavity search of plaintiff and one of the "John Does" listed in the Statement of Case but exact date of his involvement presently unknown due to DOC official's refusal to provide documentation

Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829

20. Officer Beale - Male correctional Officer involved in at least the strip search and body cavity search of the plaintiff on **October 13, 2010**

Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829

21. Officer Peoples - Male correctional Officer involved in at least the strip search and body cavity search of the plaintiff on **October 13, 2010**

Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829

- 22. Officer Lowery** - Male correctional Officer involved in at least the strip search and body cavity search of the plaintiff on **October 13, 2010**
Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829
- 23. Lt. Artist** - Male correctional Officer involved in at least the strip search and body cavity search of the plaintiff on **October 13, 2010**
Deerfield Correctional Center
21360 Deerfield Drive, Capron, Va. 23829
- 24. Mr. John Doe #1** - unknown male correctional officer at DFCC involved in strip search of plaintiff
Deerfield Correctional Center
21360 Deerfield Drive, Capron, VA 23829
- 25. Mr. John Doe #2** - unknown male correctional officer at DFCC involved in strip search of plaintiff
Deerfield Correctional Center
21360 Deerfield Drive, Capron, VA 23829
- 26. Mr. John Doe #3** - unknown male correctional officer at DFCC involved in strip search of plaintiff
Deerfield Correctional Center
21360 Deerfield Drive, Capron, VA 23829
- 27. Mr. John Doe #4** - unknown male correctional officer at DFCC involved in strip search of plaintiff
Deerfield Correctional Center
21360 Deerfield Drive, Capron, VA 23829
- 28. Mr. John Doe #5** - unknown male correctional officer at DFCC involved in strip search of plaintiff
Deerfield Correctional Center
21360 Deerfield Drive, Capron, VA 23829
- 29. Mr. John Doe #6** - unknown male correctional officer at DFCC involved in strip search of plaintiff
Deerfield Correctional Center
21360 Deerfield Drive, Capron, VA 23829
- 30. Mr. John Doe #7** - unknown male correctional officer at DFCC involved in strip search of plaintiff
Deerfield Correctional Center
21360 Deerfield Drive, Capron, VA 23829

31. **Mr. John Doe #8** - unknown male correctional officer at DFCC
involved in strip search of plaintiff
Deerfield Correctional Center
21360 Deerfield Drive, Capron, VA 23829
32. **Mr. John Doe #9** - unknown male correctional officer at DFCC
involved in strip search of plaintiff
Deerfield Correctional Center
21360 Deerfield Drive, Capron, VA 23829
33. **Mr. John Doe #10** - unknown male correctional officer at DFCC
involved in strip search of plaintiff
Deerfield Correctional Center
21360 Deerfield Drive, Capron, VA 23829
34. **Officer J. Sledge** - male correctional officer at DFCC
involved in documented instances of sexual harassment of the
plaintiff
Deerfield Correctional Center
21360 Deerfield Drive, Capron, VA 23829
35. **Mr. Gene Johnson** - Director
Va. Dept. of Corrections
6900 Atmore, Drive, Richmond, VA 23225
36. **Mr. John Jabe**, - Assistant Director
Va. Dept. of Corrections
6900 Atmore, Drive, Richmond, VA 23225
37. **Mr. Gary L. Bass** - Chief of Operations
Va. Dept. of Corrections
6900 Atmore, Drive, Richmond, VA 23225
38. **Mr. David B. Everett** - former warden - Deerfield Correctional
Currently warden at Sussex II State Prison,
24427 Muslewhite Drive, Waverly, VA 23891-1111

Plaintiff MUST provide an address for defendant (s) in order for the court to serve the complaint. If plaintiff does not provide an address for a defendant, that person may be dismissed as a party to this action.

In addition, plaintiff MUST provide a copy of the completed complaint and any attachments for EACH defendant named.

II. PREVIOUS LAWSUITS

A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [] No [X]

B. If your answer to A is YES: You must describe any lawsuit, whether currently pending or closed, in the space below. [If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.]

1. Parties to previous lawsuit:
Plaintiff (s) n/a
Defendant(s)
 2. Court [if federal court, name the district; if state court, name the county]:
 3. Date lawsuit filed:
 4. Docket number:
 5. Name of Judge to whom case was assigned:
 6. Disposition [Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?]:
-

III. GRIEVANCE PROCEDURE

A. At what institution did the event concerning your current complaint take place?
Deerfield Correctional Center in Capron, Va.

B. Does the institution listed in A have a grievance procedure?
Yes [X] No []

C. If your answer to B is YES:

1. Did you file a grievance based on this complaint? Yes [X] No []
2. If so, where and when: June 10, 2010 at Deerfield Correctional Center
3. What was the result? Denied by Assistant Warden Clyde Alderman on July 1, 2010

4. Did you appeal? Yes [X] No []

5. Result of appeal: denied by Mr. Gary Bass, Chief of Operation for the Dept of Correction on July 13, 2010 --- attempted to appeal directly to Director Gene Johnson on 7/17/10 but that appeal was refused by G. Robinson, Manager Ombudsman Services Unit on August 4, 2010 thereby exhausting all administrative remedies.

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes [N/A] No [] .

If you answered Yes: What steps did you take? N/A

E. If your answer in NO, explain why you did not submit your complaint to the prison authorities. N/A

IV. STATEMENT OF THE CLAIM

[State here as briefly as possible the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the names of any other persons involved, dates and places of events. You may cite constitutional amendments you allege were violated, but do not give any legal arguments or cite any cases or statutes.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph.

The plaintiff, Deena Kaye Myers, is a 28-year-old **female** born at the Danville Memorial Hospital in Danville, Virginia on December 24, 1981, as is attested to by the copy of the plaintiff's birth certificate that was issued by the Virginia Department of Health - Division of Vital Records on April 17, 2009. (State file number 145-81-076163). (See copy of birth certificate attached)

According to Dr. William G. Reiner, M.D. F.A.A.P, Director Psychosexual Development Clinic, The Children's Hospital of Oklahoma, the plaintiff was born with and/or has since developed a large number of medical issues and conditions including but not limited to:

1. Spina bifida (myelomeningocele) with partial paralysis of the lower extremities requiring the use of a wheelchair;
2. Complete urinary incontinence;
3. Colostomy (In a colostomy, surgeons remove all or part of the large intestine. An opening called a stoma is then made in

the abdomen, which allows the colon to empty waste into a specially designed plastic bag located outside of the body)

4. Ileostomy (An ileostomy is a similar operation in which the lower part of the small intestine is routed to the stoma)

5. **Feminized external genitalia** with no scrotum, no gonads, and no penis;

6. ventral hernia;

7. external rotation deformities, bilateral lower extremities;

8. L-4 level lipomeningocele;

9. Bilateral clubbed feet;

10. Dislocated hips;

11. screws and plates in both legs and both ankles;

12. screws in right femur due to incident with defective wheelchair issued by DOC;

13. Cyst on brain;

14. fatty tumor on back and stomach.

Myers arrived at Deerfield Correctional Center ("DFCC") (an **ALL MALE** facility) on February 23, 2004 after being assigned to the Virginia Department of Corrections. Upon arrival, Myers was evaluated by DFCC Head Nurse Darlene Speltz at which time, Myers fully explained her medical and gender situation and questioned why she was being housed at an all male facility. Despite the concerns expressed by Myers concerning her medical and gender issues requiring a more private surround, Myers was assigned to 'A' Building - 100 pod (bed # 145). This unit consists of an 88-bed **ALL MALE** dormitory.

As a direct result of this assignment, Myers was forced to use the bathroom, change her colostomy bags, shower and change clothes in an open locker-room style bathroom with 87 other individuals of the **opposite** gender. After months of enduring this complete invasion of privacy, as well as being subjected to various degrees of sexual harassment and a complete disregard of Myers' situation by then-warden **David Everett**, Myers filed a written request form to the medical department asking to be moved into one of the approximate dozen single person cells she discovered existed on that institution. The basis for her request was her gender and her various medical conditions requiring more privacy than a dorm environment provides (especially given it is an **ALL MALE** dorm). That request went

unanswered so on July 2, 2004, Myers filed an emergency grievance addressing the same issues. Lt. Ridley responded to this grievance stating the complaint was "not subjecting you to serious or irreparable harm" and therefore refused to address the issue. After several other complaints being filed, officials finally moved Myers from the dorm to a single cell (cell #703 - now referred to as cell #1303) on July 9, 2004; however, that cell was NOT a handicapped accessible cell. It was discovered that there was only one handicapped accessible cell in that building or the entire camp for that matter, and that cell was occupied by an inmate by the name of Raymond Russell, who did NOT require the use of a handicapped cell. Despite this fact, DFCC officials insisted that Myers move into and live in the non-handicapped accessible cell (#703).

Due to being forced to live in this non-handicapped accessible cell, one in which Myers' wheelchair would not fit through the door nor be used inside the cell, Myers was forced to crawl around the cell on her hands and knees to get from the door to her bed; as well as crawl on the floor to get around the cell itself. Also, Myers was forced to use bathroom facilities (sink and commode) that did not have railings installed and were NOT handicapped accessible, making their use impossible without great risk of injury to Myers. In fact, as a direct result of being forced to crawl around on the floor, Myers suffered permanent physical damage to her left knee requiring various medical treatments including surgery. (NOTE: the effects of being forced to crawl around on the floor constantly caused a hole to be rubbed into her left knee; which ultimately caused extensive tissue damage requiring surgery whereby doctors had to remove the remaining damaged tissue resulting in the plaintiff's inability to straighten her left knee as well as now being forced to endure great amounts of pain daily.)

Moreover, as a result of being forced to live in a non-handicapped unit, Myers was also forced to use that building's general shower stall which was located off the dayroom. That shower was NOT handicapped accessible therefore, there were NO grab bars present to prevent possible injury, the door was not big enough to allow Myers' wheelchair to access the shower forcing her to crawl around to get in and out as well as to use the shower itself. In addition, the door to this shower had large security holes in it which exposed Myers to a complete lack of privacy and exposing her to numerous inmates and staff

of the opposite gender while in various states of undress or completely naked while using the shower.

While being forced to live in a non-handicapped accessible cell, Myers filed multiple complaints to various officials of the institution from Warden Everett on down asking to be moved into the handicapped accessible cell due to "medical concerns about me crawling on my hands and knees to get to my bed because my wheelchair will not fit in the doorway of the cell I'm in ... [crawling around] causes me major pain, is not only humanly degrading but is also physical and mental abuse. There also no handicapped rails to help me access the toilet." (August 26, 2004 Complaint) In fact, the physical damages to Myers' knee are documented in photos taken on September 9, 2004 as well as her medical records. Again, remember that the ONLY handicapped accessible cell was being utilized by an inmate not requiring a handicapped accessible cell, a fact pointed out to the institutional officials repeatedly including then-warden Everett. Myers was forced to live under these conditions from **July 9, 2004 until August 31, 2004** (or 53 days) when she was finally moved into the sole handicapped accessible cell (cell #709 - now cell #1309) and the previous occupant of that cell (Raymond Russell) was moved into the non-handicapped cell Myers had occupied.

While living in this handicapped accessible cell, Myers was forced to endure many problems and hardships documented in various complaint forms filed with officials. These problems include but are not limited to issues of going for 3+ weeks in October 2005 with NO water working in the cell's sink and 7 days of NO water at all (sink, toilet and shower) as documented in emergency grievance # 56142) Myers cell was the ONLY cell in this small building that was experiencing any problem of this type. This same problem occurred again on July 25, 2006 (as documented in emergency grievance # 5658) as well as again in January through March 2007 when Myers was forced to go without water in the sink for over two months. Water which was required for Myers to properly care for her numerous medical conditions including routine changes of her colostomy bags. Emergency grievance # 57659 was filed on February 6, 2007 concerning the latest of those issues to which **Lt. Ridley** again responded that this issue was "not life threatening" despite the well documented medical necessity for access to running water. Myers filed yet another complaint on February 22, 2007 concerning this

issue but that was not even responded to until March 6, 2007 when staff stated that maintenance "will come this week" thus documenting a complete disregard on the part of prison officials for Myers health and physical well being. Myers points out that again the entire time her cell was without water all of the other cells in this small building never experienced any problem with access to water.

During the same timeframe, Myers was subjected to repeated sexual harassment by **Correctional Officer J. Sledge** as documented in an Informal Complaint dated January 22, 2006. Sgt. Lowe responded to that complaint on January 27, 2006 stating "the issue has been administratively dealt with and solved" in that c/o Sledge was reassigned to a different part of the institution. Despite that claim, c/o Sledge was back to harass Myers less than a week later, as documented in the February 1, 2006 emergency grievance in which Capt. A. Morris responded "this matter may be addressed through regular channels as we discussed," thereby demonstrating yet again a complete disregard for the safety and well being of Myers by prison officials.

In August 2007, the institutionally provided wheelchair that Myers was using became unusable due to the seat being broken which forced Myers to sit on the bare metal crossbar when the wheelchair was used. After several complaints being filed on this issues going unaddressed, on or about August 11, 2007, **Lt. Goodfellow** was called down to 1300 pod to address the issue with Myers. After seeing the situation himself, **Lt. Goodfellow** personally took Myers to the Assisted Living Pod (new 700 pod) where he went into a supply closet, removed a wheelchair from inside, gave it to Myers to use and place her broken one inside the same closet. While using this new wheelchair on August 13, 2007, Myers suffered a serious accident, due to the wheelchair being defective in that the brakes did not work properly, causing Myers great physical injury. This incident occurred behind G Bldg (1300 pod) at the "recreation area" (segregation cages) which consists of a slight incline area. While going down hill toward cages, Myers lost control due to the malfunction of the brake. (This is why this wheelchair had been in the closet for repair in the first place it was later learned from the institution's nursing staff. i.e. Nurse Vick) As a result of losing control, the right side of wheelchair caught the metal fence pole causing Myers to be thrown onto the cement

hard and causing the injuries. Paramedics were called and Myers was left on the ground (instead of being taken to the medical unit on site) until the paramedics arrived who then transported Myers to the hospital. Myers injuries included her right femur being broken in half causing a compound fracture with her bone actually sticking through the skin and blue jeans worn at time of accident and requiring hospitalization and surgery.

Upon returning to DFCC after her surgery, Myers attempted to address the issue of the faulty wheelchair with staff by filing a complaint form on September 11, 2007. Medical staff J. Hill responded to the complaint stating that "Mrs. Badget will schedule a time to discuss this with you". Myers grieved this issue to the warden on October 4, 2007. Warden Davis denied the grievance on November 1, 2007 stating that "you have since been issued a new wheelchair" and never responded to the fact a defective wheelchair supplied by the institution caused the incident and the injuries suffered. A level II grievance was filed on November 1 and denied by Fred Schelling on November 16, 2007. What's more, to date, the Department has refused to provide Myers with copies of the official Incident Report filed as a result of this incident.

In addition, sometime during 2007 or 2008 (shortly after then Officer K. Chalmers became **Investigator Sgt. K. Chalmers**) Chalmers came down to Myers cell (#709) one morning early and woke Myers up at which time, Chalmers came into Myers cell ALONE with a notebook and camera and told her he was there to look at any tattoos Myers had. Chalmers then ordered Myers to disrobe completely (despite the fact Myers is a female and Chalmers a male) so that he could see and photograph all tattoos on her body. He then proceeded to take photographs; both close up and full body shots, of her body including her chest and pelvic regions. There had been some history between Chalmers and Myers as they were both from the same hometown and Chalmers knew Myers from the street and appeared to have some type of personal vendetta against Myers, which appeared to be at least a partial motive for the treatment Myers received at the hands of Investigator Chalmers.

By 2008, being the only female inmate in the state being forced to live in an otherwise all male facility began to affect Myers to the point of her contemplating suicide, as documented in Mr. Holloran's mental health notes from July 11, 2008. However,

instead of addressing the root of the problem, **Mr. Holloran** instead had Myers briefly transferred to Sussex I (yet another all male institution) to be placed on strip down suicide watch on the late evening of Friday, July 11 / early morning of Saturday, July 12, 2008. This action was signed off by Dave Robinson, VDOC Regional Director, according to the mental health medical records and the Sussex I medical intake health log contained within Myers medical and institutional records.

That following Tuesday morning, July 15, 2008, Myers was scheduled to appear in the Southampton Circuit Court on an unrelated matter; however, due to the lateness of her transfer that weekend, Deerfield Correctional was still under court order to transport Myers to court. So early that morning, officers from Deerfield arrived at Sussex to transport Myers to court. However, at the time of their departure from Sussex, these transportation officers were instructed by Sussex officials to **NOT** bring Myers back to Sussex because of her gender and that Sussex was an all male facility. Therefore, after concluding the business with the circuit court, the Deerfield transportation officers proceeded to bring Myers back to Deerfield. Once they arrived at the sally port of Deerfield, the sally port officers would not let Myers return to the institution because all the paperwork indicated she was now housed at Sussex. Consequently, Myers was forced to wait in the transportation van shackled and handcuffed for over 2 ½ hours while Warden Davis, Major Mayes, Assistant Warden Wright, Psychologist Rogers, Holloran and Robinson all came to the sally port and discussed Myers gender issue and housing her in an all male facility in-depth. Despite ALL the parties clearly having first hand knowledge of Myers gender, they still decided to continue to force Myers to be housed at Deerfield, which is again an all male facility.

Upon Myers return to DFCC on July 15, 2008 and the issue of Myer's gender having been raised by officials at Sussex I, she was then physically examined by **Dr. Ajumbi ('Dr. A')**, **Nurse Badget** and **Nurse White**. Dr. A noted in his medical notes that "no penis visualized - impression abnormal genital anatomy - plan nothing to do". (NOTE: despite repeated discussions with the DFCC medical staff about her gender; this was the FIRST complete examination of the plaintiff's body in the four plus years she was being housed on Deerfield.)

In August 2008, Myers again had to be transported to MCV hospital for surgery this time on her hernia. Upon her return to DFCC, she was initially placed in DFCC's infirmary until she was seen by the doctor. However, after being released by the doctor to return to her cell, the DFCC officials instead caused Myers to be housed in the punitive segregation cell of DFCC's infirmary without explanation. This went on for weeks, as documented in the various complaints filed by Myers. On August 14, 2008, Myers filed an informal complaint about being housed in the Infirmary. On August 17, Myers filed Emergency Grievance # 34979 asking why she was still being forced to remain in the infirmary. The only reply received was that this is "not an emergency issue". Again on August 18, Myers filed Emergency Grievance # 34970 asking medical why she was being held when the doctor had cleared her to return to her cell. Their response was that she was being "held in infirmary per security". The frustration of the situation continued to build causing Myers to write Emergency Grievance # 34973 on August 19 wherein she said "Get me out of the infirmary or I will commit suicide". Instead of addressing the root of the issue, Capt. Jones immediately ordered that Myers be removed from her wheelchair, "stripped down," forced to crawl around on her hands and knees again as well as given an institutional charge for "threatening bodily harm" to herself.

The medical officials insisted to Myers throughout this entire time that they were not holding her but that **Investigator Sgt. K. Chalmers** and **Lt. K.G. Walker** were responsible for her detention. This again caused Myers to write in emergency grievance # 34972 "'I'm about to snap". On August 21, 2008, **Lt. Walker** finally response to the August 14 complaint Myers filed about being held in medical against her will. In her response, Lt. Walker stated that "when bed space is available & the medical department releases you from the infirmary you will be placed in the area deemed appropriate by the medical department". Despite, **Lt. Walker's** comments about when "the medical department releases you from the infirmary" the medical department insisted they were **not** nor had they been holding her. This was again relied to Lt. Walker in the August 21 complaint which stated why is the infirmary still holding her when "Dr. M, Nurse Vick & Nurse Whitfield all say I don't belong here." This complaint was not responded to until September 3, 2008 when Nurse R. Conner stated "you were originally housed in special housing unit prior to your hospitalization - the consensus

between medical and security was that you would be moved to general population and assigned a bed in the 800 pod". (NOTE: This despite cell # 1309 - the private handicapped accessible cell Myers previously occupied being empty and available for her to move back into.)

Moreover, **Lt. Walker** told Myers personally when she was to be moved to 800 pod (bed # 875) that she was placing her in this pod "in sight of my office so that I can keep an eye on you". However, being housed in 800 pod presented all of the same issues Myers first experienced in 100 pod when she first arrived at DFCC. (i.e. being forced to live in a 96-man dormitory style building resulting in being forced to use the bathroom, change her colostomy bags, shower and change clothes in an open locker-room style bathroom with 95 other individuals of the opposite gender.) In March 2010, Assistant Warden Alderman personally moved Myers from the very front of that dorm (bed #875) to the very rear of the dorm (bed # 827) in some attempt to address Myers' privacy issues. However she was still in an all male dorm! Alderman then moved Myers back to the front of the pod (bed #875) in June 2010 as a result of the Department of Justice's investigatory inspection on June 14.

In addition to these issues, on or about July 1, 2009, **Major Jerry Streat** became the Chief of Security at DFCC replacing Major S.D. Mayes. Shortly after his arrival, Major Streat stopped Myers along the sidewalk one day, when she was pointed out to the Major by other staff. (i.e. "there is the person we were talking about") Major Streat proceeded to tell Myers that this was his camp now and that he would strip search everyone regardless of their gender or medical condition despite past custom and practice. [NOTE: Up to that date, Myers had made approximately 44 previous trips through the facility's sally port (entering or exiting transportation runs) without being subjected to being strip searched at all much less by members of the opposite gender. This all changed by order of Major Streat.] Major Streat's order was and is in fact a direct violation of § 53.1-25.1 of the Code of Virginia which states that "The Director **shall prescribe rules** for state correctional facilities to ensure that, when physical contact is required between an officer and an inmate and when the inmate is required by circumstances to disrobe, the officer shall be the same gender as the inmate." At NO time have any of the strip searches/body cavity searches that Major Streat ordered upon

Myers been performed by members of her own gender. Every one of them was conducted by male officers (members of the **opposite gender**).

The first medical run after this statement and policy change enacted by Major Streat was made on or about **July 15, 2009**. Myers was subjected a **full strip search and body cavity search** conducted by officers of the **opposite gender**, correctional officer **John Doe #1 & John Doe #2** in the sally port building. After the search, the officers stated they were also insisted that Myers must wear the standard "black box" and waist chains on any transportation run despite the fact that Myers is confined to a wheelchair as well as the fact that the chains themselves cause holes to develop in Myers' colostomy bags. At that point, Myers refused to go on the transportation run due to medical reasons and returned to her building.

On **August 5, 2009** Myers was sent on a medical run and was again subjected to a **full strip search and body cavity search** conducted by officers of the **opposite gender**, **John Doe #3 & John Doe #4**. This search was conducted in sally port building. Upon returning to DFCC, Myers was again subjected to another **full strip search and body cavity search** conducted by officer **John Doe #3 & John Doe #4** (again male officers) in sally port building.

On **August 5, 2009**, Myers filed an informal complaint asking to be seen by mental health services because of emotional damages suffered as a result of the strip search practices by members of the opposite gender enacted by Major Streat. On August 10, 2009 **Mr. W. F. Robinson**, Psych. Assoc. Sr. responded to this informal complaint stating that "mental health services will provide you psychiatric and psychological support **for male identify needs**". (emphasis added) It appeared Robinson was trying to make Myers issue a "gender identification issue" when it was and is **NOT!** Mr. Robinson also threatened to transfer Myers concerning requested mental health services.

On **August 18, 2009** there was yet another medical transportation run to MCV General Surgery in which Myers was again subjected to a **full strip search and body cavity search** conducted by officers of the opposite gender, **John Doe #5 & John Doe #6** (male officers) in sally port building. Upon returning to DFCC, Myers was again subjected to another **full strip search and body cavity**

search conducted by officer John Doe #5 & John Doe #6 (again male officers) in sally port building.

On September 1, 2009 Myers was taken on yet another medical transportation to MCV General Surgery and was again subjected to a full strip search and body cavity search conducted by officers of the opposite gender, John Doe #7 & John Doe #8 in the sally port building. Upon returning to DFCC, Myers was again subjected to another full strip search and body cavity search conducted by officer John Doe #7 & John Doe #8 (again male officers) in sally port building.

On September 9, 2009, Myers filed a follow up complaint about the "threat to transfer her" contained within Mr. Robinson's August 10, 2009 response if she did not like his response to her previous request for mental health services.

On September 11, 2009, Counselor C. Smith, Assisted Living Counselor "refused" to process Myers request at her "annual review" for a transfer to a female facility -- instead Counselor Smith proceeded to write in the names of three other MALE ONLY facilities on Myers' Annual Review form -- Counselor Smith challenged Myers to provide a birth certificate to substantiate Myers' claim of being female and requesting transfer to female camp. In response, Myers had a copy of her original birth certificate mailed to Counselor Smith within 30 days of that request through attorney Scott Crowley. Upon receipt of the birth certificate, Counselor Smith was "shocked" for find that Myers was in fact telling her the truth. However despite that fact, Counselor Smith still REFUSED to process Myers' requested transfer to a female facility and instead did absolutely NOTHING to resolve the issue of being forcibly housed in an ALL MALE FACILITY!

On September 11, 2009, Mr. Robinson responded to Myers' September 9 complaint stating his response was "no threat - just facts - gender identity issues are not treated at DFCC per se." Mr. Robinson never addressed the root issue of Myer's problems with being the ONLY female in the entire state of Virginia being forced to be housed in an ALL MALE facility.

On October 13, 2009, there is yet another medical transportation run to MCV General Surgery in which Myers was subjected to a full strip search and body cavity search conducted by officers

of the opposite gender, **John Doe #9 & John Doe #10** in sally port building. Myers initially refused this trip and went back to building at which time **Major Streat, Nurse Vick** and **Sgt. Jones** personally came to 800 pod and got Myers and physically took her to the sally port at which time **Major Streat** ordered **Sgt. Jones** (male officer) to conduct a **full strip search and body cavity search** of Myers and then take her to her medical appointment. Upon returning to DFCC, Myers was again subjected to another **full strip search and body cavity search** conducted by officer **John Doe #9 & John Doe #10** (again male officers) in sally port building.

On **November 17, 2009**, Myers wrote a letter to Debra J. Prillman, Assistant U.S. Attorney - Richmond to request assistance in her current situation. That letter was followed up with a November 25 letter to Congressman Bobby Scott in which Myers requested assistance in her current situation. Congressman Scott wrote to **VDOC Director Gene Johnson** to ask that he investigate Myers situation. Myers also wrote two letters to Governor Tim Kaine on December 4 & 7, 2009 requesting assistance. Lastly, Myers wrote to the U.S. Department of Justice on **December 14, 2009** requesting their assistance. As a result of that letter, the Department of Justice opened two separate investigations on this matter. (file # 204-79-296 (DRS) & 171-79-35 (COR))

On or about **May 1, 2010**, Myers had her first meeting and examination conducted by **Dr. Harvard Stephens**, VDOC Chief Physician. The exam was conducted in the trauma room of the medical department at Deerfield. This was a complete exam including vaginal area and was attended by Dr. Stephens and Nurse Badget, along with the medical Correctional Officer Eason (male officer). Later that same day **Dr. Stephens** calls Myers back over for a second exam because **Dr. Stephens** seemed to still be in 'shock' from the first exam to not find a penis but rather a vagina.

On **May 9, 2010** Myers was again subjected to a **full strip search and body cavity search** conducted by officers of the opposite gender, **John Doe #11 & John Doe #12**. This search was conducted in the inmate shakedown room off of the visitation area at the conclusion of Myer's Mother's Day visit with her mother.

On or about **May 11, 2010**, Myers has a formal sit-down interview in DFCC's visiting room with Richmond-Times reporter Frank Green

about her situation of being forced to live in an all male facility and the various other issues she has had to endure at the hands of the institutional staff.

On **May 12, 2010** Myers received a certified letter from the Department of Justice about her December 14, 2009 complaint stating that a joint investigation by Coordination and Review Section and Disabilities Rights Section of the DOJ had been initiated. (Complaint # 204-79-296 (DRS) & 171-79-35 (COR))

On **May 23, 2010**, the newspaper article about Myers' situation appears in the Richmond Times newspaper. This article was quickly circulated around the institution by both staff and inmates thus putting **ALL staff** on notice of Myers gender situation. Frank Green also interviewed and questioned various officials at Deerfield and the Director of the Department of Corrections' office about Myers issues.

On **May 28, 2010** Myers wrote a letter to **Mr. Gary Bass**, Chief of Operations for the Department of Corrections asking for transfer to a female facility since Counselor Smith refused to properly process Myers request to her that past September.

On **June 1, 2010**, Myers filed an informal complaint to **Warden Keith Davis** concerning her continued forced housing in an **ALL MALE** facility. In this complaint, Myers clearly stated "I want to make it clear to you (as well as all the parties who is reading a copy of this (Informal complaint) I am not a (Hermaphrodite or Transsexual) **I AM A FEMALE**. My birth certificate states my gender as female ... I (do not) belong in all male prison." Copies of this complaint were also sent to the ACLU, the Justice Department and the Richmond Times.

On **June 3, 2010**, Myers meets with and is examined again by **Dr. Harvard Stephens** in the medical department at Deerfield. This is the second meeting and third physical exam conducted of Myers by Dr. Stephens. (examine consisted of Myers getting completely naked for Dr. Stephens and exam was performed in the x-ray room.)

On **June 4, 2010**, **Mr. Gary Bass**, Chief of Operations for Department of Corrections wrote a letter to Myers responding to her May 28, 2010 asking for transfer to female facility. In his letter, Mr. Bass stated "The matter you discuss is a **medical**

issue. Your case is currently **under review**. Once a final decision is made you will be notified." Myers ponders how her transfer to a female institution to be house with other females like herself can possibly be a "medical issue". **ALL legal identification documentation**, i.e. Virginia issued birth certificate; Virginia issued DMV Operator's license; as well as all Social Security records clearly indicate that Myers legal gender is and always has been **female**. That does **NOT** make her transfer issue a "medical issue"!

On **June 7, 2010**, **Dr. Stephens** wrote a letter to Myers as a follow up to the June 3 meeting and examination. In this letter, Dr. Stephens stated "As I stated during our conversation, a committee will be meeting soon to address your complaints. After the meeting, you will be informed of our assessment."

On **June 8, 2010**, **Counselor C. Smith** responded to the June 1 complaint that Myers filed with Warden Davis. In this response, Counselor Smith merely stated "at the time of sentencing you were assigned to a male facility" with **NO** other explanation or justification of the continued forced housing of a female inmate in an **ALL MALE** facility.

On **June 10, 2010**, Myers filed a Level I Grievance on the June 8th response to her June 1 Complaint. In the grievance Myers stated that "Warden (**Mr. K. Davis**) as well as the treatment supervisor are aware that my birth certificate states my gender as female but yet are still illegally housing me in an all male facility."

On or about **June 13, 2010** Myers was again subjected to a **full strip search and body cavity search** conducted by officers of the opposite gender, **John Doe #13 & John Doe #14**. This search was conducted in the inmate shakedown room off of the visitation area at the conclusion of Myer's visit with her brother.

On **June 14 & 15, 2010**, several meetings were held at Deerfield Correctional Center with three members of the Department of Justice including **Regina Morgan**, Investigator; **Toni Pochucha**, Investigator - U.S. DOJ Disability Rights Section; **Betsy Keenan**, U.S. DOJ Coordinator and Review Section as part of the DOJ's investigation into Myer's complaint. In addition to these three individuals meeting with Myers, they also met with many DOC and

DFCC officials including but not limited to **Mr. Gene Johnson**, Director; **Mr. John Jabe**, Deputy Director-VDOC; **Mr. Gary Bass**, Chief of Operations-VDOC; **Mr. David Robinson**, Eastern Regional Director-VDOC; **Dr. Harvard Stephens**, DOC chief physician; **Mr. Keith Davis**, Warden-DFCC; **Mr. Clyde Alderman**, Assistant Warden-DFCC; **Ms. T. Porrovecchio**, Operations Officer-DFCC; **Ms. B. Grant**, Treatment Program Supervisor (TPS)- DFCC; **Ms. C. Smith**, Counselor-DFCC; **Mr. W. Robison**, Psychology Associate Sr.-DFCC; among others.

On **June 14, 2010** Myers filed an informal complaint to medical about not getting female hormone treatments to correct physical damage done to her body as a result of years of being forced to take male testosterone shots by the Department of Corrections.

On or about **June 16, 2010** Assistant Warden **Clyde Alderman** moved Myers from the rear of the dorm (bed # 827) where he had personally moved Myers to back to the front of the same dorm (bed #875) pursuant to the DOJ's visit. This move did nothing to provide the necessary privacy Myers needed and in fact made it worst!

On **June 25, 2010**, **Nurse Conner** answered Myers' June 14 complaint stating "your request is under review and a decision is pending". Despite this response, to date, Myers has NOT received any answer on this issue.

On **July 1, 2010**, Assistant Warden **Clyde Alderman** responded to the June 10 Level I Grievance. In recapping the claim, Alderman stated "you stated that your birth certificate states that your gender is female but you are still housed at a male facility". Alderman's response to the claim was "Your concerns were addressed by Counselor Smith on 6/8/10 'At the time of your sentence, you were assigned to a male facility'". Alderman then proceeded to claim that since Myers has been continuous housed at Deerfield since 2003, "your time for filing this grievance has expired."

On **July 2, 2010**, Myers filed a Level II grievance with **Regional Director David Robinson** stating the claim Assistant Warden Alderman responded to in his July 1 response was not time barred because it was an ongoing issue.

On July 13, 2010, Mr. Gary Bass, Chief of Operation for VA. Department of Corrections responded to the Level II grievance. In his response, Mr. Bass stated "I have researched your case ... The chief physician of the Department has examined you and recommended that you remain at Deerfield." He goes on to state "Based on my review of your case, I feel your current assignment to DFCC is the most appropriate place for you. As you are aware, this matter is under review by the U.S. Dept. of Justice. If further developments occur we will reevaluate your status."

On July 17, 2010 Myers then filed a Level III grievance with Director Gene Johnson's office. On August 4, 2010, that grievance was responded to by G. Robinson, Manager Ombudsman Services Unit who stated that a level III grievance was "unavailable ... therefore you have exhausted all of your administrative remedies. I am returning your grievance to you for your record."

On August 16, 2010 Myers wrote a letter to Dr. Stephens as a follow up to their July meeting and Dr. Stephen's previous statement that they would meet again in July.

On August 17, 2010 medical personal at Deerfield draw blood from Myers for testing of her hormone levels.

On August 20, 2010, the results from the August 17 blood work revealed Myers' hormone levels clearly reflect that of a biological female. (Follicular Stimulating Hormone or "FSH" level of 48.2 and Luteinizing Hormone or "LH" level of 22.2 - both readings listed as "high". Also Myers' testosterone levels registered as 22 for Serum Testosterone and <0.2 for Free Testosterone - both readings listed as "low".) Nurse Conner stated to Myers that she had already sent the results to Dr. Stephens and Dr. Downes, a hormonal specialist at MCV Hospital.

On August 26, 2010, Dr. Stephens wrote to Myers in response to her August 16 letter. Dr. Stephens stated that he "will arrange to see you during the month of September."

On October 4, 2010, Myers again undergoes her "annual review" with Counselor Smith. As part of the standard annual review process, Myers was asked if she was requesting a transfer to which Myers again put in for transfer to either Fluvanna or Goochland (both female facilities). Counselor Smith again

refused to submit such request and after Myers complained did she then tried to call Ms. Porrovecchio (Operations Officer), Mr. Davis (warden) and Ms. Grant (TPS) but they all in a meeting so Counselor Smith said she would get back with Myers later on transfer request.

Later that same day (Oct 4) as a follow up to her meeting with Counselor Smith, Myers filed an informal complaint about being denied transfer to female institution at her annual review yet again.

On October 5, 2010, Counselor Smith called Myers back into her office and denied Myers' request for a transfer to Fluvanna or Goochland.

On October 12, 2010, Ms. B.M. Grant, DFCC Treatment Program Supervisor (TPS) denied Myers' October 4th complaint stating "you are not eligible to transfer to a female institution. You can request a transfer to a male institution." (emphasis added)

On October 13, 2010 Myers was taken on yet another medical transportation (this time to T.J. Powell in Richmond for shoe fitting) and was again subjected to a **full strip search and body cavity search** conducted by officers of the opposite gender, sally port officer c/o Beale & transportation officers c/o Peoples & Lowery in the sally port building. Also present but outside in the van was c/o Young (a female officer) and Lt. Artist (male officer). Thus, a female officer was available to have conducted Myers strip search however, institutional officials continued to violate Myers' person by subjecting her to strip searches and body cavity searches by officers of the OPPOSITE gender! What's more, while Myers was at T.J. Powell, she had to use the bathroom. Instead of utilizing the female officer that was present, Lt. Artist himself took Myers to the bathroom and made her strip her clothes off from the waist down as well as change her Depends in front of him. Upon returning to DFCC, Myers was again subjected to another **full strip search and body cavity search** conducted by sally port officer c/o Beale & transportation officers c/o Peoples & Lurry (again male officers) in sally port building.

On October 19, 2010, Myers filed a grievance on the October 12 response by Ms. Grant that "you are not eligible to transfer to

a female institution. You can request a transfer to a male institution."

On October 20, 2010, Ms. A. Burnett, DFCC Grievance Coordinator refused to process October 19th grievance citing it was "repetitive" claiming grievance # 701-10-0089 addressed dame issue (7/1/10 grievance).

To recap, as a direct result of the conduct, actions, and/or inactions of the defendants, individually and/or collectively, the plaintiff has been subjected to:

- Being forced to live in an ALL MALE institution for almost **3,000 days and counting**, causing the plaintiff to be subjected to numerous violations of her privacy as well as the subject of **sexual harassment by at least one male staff member**;
- Being forced to live in a non-handicapped accessible cell for **53 days** thereby forcing the plaintiff to inhumanly have to crawl around on her hands and knees to get into and around her cell as well as being forced to use a non-handicapped accessible shower in the common dayroom area exposing her in various states of undress as well as showering to various male inmates and staff thereby causing physical, mental and emotional damages upon her person;
- Being subjected to being housed without access to running water in her cell multiple times, as documented, in what can only be believed to be retribution for the plaintiff exercising her rights to grieve her situation;
- Permanent physical injuries suffered as a result of the forced housing in a non-handicapped cell;
- Permanent physical injuries suffered as a result of the defective institutionally provide wheelchair which caused the plaintiff to be thrown onto the cement breaking her femur in half requiring hospitalization and surgery;
- At least **thirteen (13) strip searches and body cavity searches** performed upon the plaintiff by and in the presence of officers of the OPPOSITE GENDER. (i.e. male officers) In addition, at least one of these searches was not only conducted by and in the presence of officers of the OPPOSITE GENDER, it was also conducted in front of inmates of the OPPOSITE GENDER. (i.e. male inmates)

- Being **ORDERED** by a male officer who came into Myers cell **ALONE** to disrobe completely and be subjected to photographs being taken of her naked body by said officer.

NOTE: several of the John Does listed above have been identified as to who they were but not as to which date they were involved in as DOC to date has refused to provide the documentation to identify who was on duty at which time. Therefore the number of John Does listed in the statement of claims does not match the number of John Does listed as defendants. Those identified have been named by their name as defendants.

As a result of the facts cited above, this action is filed, seeking among other things, damages for violation of Myers' rights under the Fourth, Eighth, and Fourteenth Amendments and associated state law claims as well as for violation of her rights under the Americans with Disabilities Act of 1990 (ADA) 42 U.S.C. §12101 *et seq.*; and the Civil Rights Act of 1871 - 42 U.S.C. § 1981 *et seq.* including but not limited to §§ 1983, 1985, and 1986.

I. One or more of the defendants, individually and/or collectively violated the Plaintiff's Eighth Amendment protection against cruel and unusual punishment by subjecting the plaintiff to undergo at least thirteen (13) separate full strip searches & body cavity searches performed by and in front of officers of the opposite gender.

II. One or more of the defendants, individually and/or collectively violated the Plaintiff's Eighth Amendment protection against cruel and unusual punishment by subjecting the plaintiff to undergo one strip search & body cavity search performed not only by and in front of officers of the opposite gender but also in front of other inmates of the opposite gender.

III. One or more of the defendants, individually and/or collectively violated the Plaintiff's Fourth Amendment protection against unreasonable search as well as the plaintiff's right to Privacy by subjecting the plaintiff to undergo at least thirteen (13) separate strip searches & body cavity searches performed by and in front of officers of the opposite gender.

IV. One or more of the defendants, individually and/or collectively violated the Plaintiff's Fourth Amendment protection against unreasonable search and right to Privacy by subjecting the plaintiff to undergo one strip search & body cavity search performed not only by and in front of officers of the opposite gender but also in front of other inmates of the opposite gender.

V. Defendant Chalmers violated the Plaintiff's Eighth Amendment protection against cruel and unusual punishment as well as her Fourth amendment right to Privacy by subjecting the plaintiff to be forced to strip in his presence in her cell ALONE as well as be subjected to his taking numerous photographs of her naked body.

VI. One or more of the defendants, individually and/or collectively violated the Plaintiff's Eighth Amendment protection against cruel and unusual punishment by subjecting the plaintiff to reside in a dorm style facility housing between 87-96 members of the opposite gender while there are no other individuals of the plaintiff's gender in the same dorm or for that matter at the same institution.

VII. One or more of the defendants, individually and/or collectively violated the Plaintiff's Eighth Amendment protection against cruel and unusual punishment by subjecting the plaintiff to be forced to only use common (locker-room style) shower and commode facilities where NO privacy is afforded and ALL other individuals living in the dorm and using these facilities are of the opposite gender.

VIII. One or more of the defendants, individually and/or collectively violated the Plaintiff's Fourth amendment right to Privacy by subjecting the plaintiff to be forced to only use common (locker-room style) shower and commode facilities where no privacy is afforded and ALL other individuals living in the dorm and using these facilities are of the opposite gender.

IX. One or more of the defendants, individually and/or collectively violated the Plaintiff's Fourteenth Amendment right to equal protection as well as the right to Due Process in that the plaintiff is the ONLY female being forced to be housed in an all male facility.

X. One or more of the defendants, individually and/or collectively violated the Plaintiff's Fourteenth Amendment right to Due Process in that the defendant's overtly refused to process the plaintiff's repeated requests to be transferred to a facility consisting of individuals of the same gender as the plaintiff. (i.e. female institution)

XI. The defendants have acted in a conspiracy to continue depriving the plaintiff her rights under the Fourth, Eighth, and Fourteenth Amendments as well as various state laws, by allowing the conditions to continue, for her person to be violated and for their repeatedly refusing to process the plaintiff's transfer request to be housed in a female facility instead of being the only female housed in an all male facility.

XII. One or more of the defendants, individually and/or collectively violated the Plaintiff's rights under the Americans with Disabilities Act of 1990 (ADA) 42 U.S.C. §12101 et seq. by forcing her to live in a non-handicapped accessible cell for the period of 53 days causing serious physical, emotional as well as mental damages.

XIII. One or more of the defendants, individually and/or collectively violated the Plaintiff's rights under the Americans with Disabilities Act of 1990 (ADA) 42 U.S.C. §12101 et seq. by providing her with a wheelchair that was known to be defected and whose use caused the plaintiff to suffer serious physical and permanent injury to her body.

V. RELIEF

I understand that in a section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. DM [please initial]

The plaintiff wants the Court to: [check those remedies you seek]

☒ award money damages in the amount of \$ 25,000,000.00 for but not limited to actual, physical, emotional, nominal and compensatory damages as well as punitive damages.

☒ grant injunctive relief by ordering the Virginia Department of Corrections to amend all of Myers records to reflect her true and legal gender as "female" and to immediately transfer her from this all male facility to a female facility as well as the entry of an Order forever banning the Department's practice of strip searching, body cavity searching and/or any other searches involving physical contact with or the disrobing of an inmate that is conducted by officers of the OPPOSITE GENDER. Also requesting a temporary injunction / restraining order barring the Defendants and all those under their supervision from conducting any type of strip searches/body cavity searches or any other search involving physical contact by or in the presence of members of the opposite gender (i.e. male).

☒ other all cost associated with this action, attorney fees as well as any other relief the court deems just and proper

VI. PLACE OR INCARCERATION

Please list the institution at which you were incarcerated during the last six months. If you were transferred during this period, list the date (s) of transfer. Provide an address for each institution.

Deerfield Correctional Center, 21360 Deerfield Drive,
Capron, VA. 23829

VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636 (c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge?
Yes [] No [X]. You may consent at any time; however, any early consent is encouraged.

VIII. JURY DEMAND

Pursuant to the rights spelled out within the Seventh Amendment to the United States Constitution, Rule 38 of the *Federal Rules of Civil Procedure*, as well as Local Rule 38 of the Rules of the United States District Court for the Eastern District of Virginia, plaintiff hereby demands a jury trial in this matter and hereby puts all parties on notice of this demand.

IX. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 23rd day of November, 2010

Plaintiff

A handwritten signature in black ink, appearing to read "Devin [unclear]", written over a horizontal line.